

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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SHELLY MITCHELL,  
Charging Party

HRB CASE NO. 0131015722

-v-

ORDER  
FINAL AGENCY DECISION

UNIVERSITY OF MONTANA/BITTERROOT  
COLLEGE,  
Respondent

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Charging Party, Shelly Mitchell (Mitchell), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in public accommodation on the basis of disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Mitchell's allegations that Respondent, University of Montana/Bitterroot College, discriminated against Mitchell. The Department issued a Notice of Dismissal. Mitchell filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 19, 2013. Shelly Mitchell appeared and argued on her own behalf. Lucy France appeared and argued on behalf of University of Montana/Bitterroot College.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Shelly Mitchell's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against University of Montana/Bitterroot College.

DATED this 22<sup>nd</sup> day of July, 2013.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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Dennis M. Taylor, Chair  
Human Rights Commission

# CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 22<sup>nd</sup> day of July, 2013.

SHELLY MITCHELL  
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Annah Smith, Legal Secretary  
Montana Human Rights Bureau